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(Substitute) PTO/SB/21 (02-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

## TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

|  |     |                        |                   |
|--|-----|------------------------|-------------------|
|  |     | Application Number     | 09/778,325        |
|  |     | Filing Date            | February 7, 2001  |
|  |     | First Named Inventor   | Bruce S. Marks    |
|  |     | Art Unit               | 1774              |
|  |     | Examiner Name          | Lawrence Ferguson |
| Total Number of Pages in This Submission | 171 | Attorney Docket Number | A1019/20268       |

| ENCLOSURES (Check all that apply)   |  |  |  |
|---|--|--|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate)<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input checked="" type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 |  | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please Identify below):<br>Return Postcard, 9 References |
| Remarks   |  |  |  |
| Please charge Attorney Account No. 03-0075 as necessary to effect entry and/or ensure consideration of this submission.   |  |  |  |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |  |
|--|--|
| Firm or Individual name                    | Caesar, Rivise, Bernstein, Cohen & Pokotilow, Ltd.; Customer No. 03000 |
| Signature                                  |  |
| Date                                       | September 20, 2004   |

| CERTIFICATE OF TRANSMISSION/MAILING   |                  |                 |
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| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. |                  |                 |
| Typed or printed name   | Martin L. Faigus |                 |
| Signature   |                  | Date 09/20/2004 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 180.00)

| Complete if Known    |                   |
|----------------------|-------------------|
| Application Number   | 09/778,325        |
| Filing Date          | 2/7/2001          |
| First Named Inventor | Bruce S. Marks    |
| Examiner Name        | Lawrence Ferguson |
| Art Unit             | 1774              |
| Attorney Docket No.  | A1019/20268       |

## METHOD OF PAYMENT (check all that apply)

 Check  Credit card  Money Order  Other  None
 Deposit Account:

Deposit Account Number **03-0075**  
 Deposit Account Name **Caesar, Rivise et al.**

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description        | Fee Paid |
|----------------------------|----------------------------|------------------------|----------|
| 1001 770                   | 2001 385                   | Utility filing fee     |          |
| 1002 340                   | 2002 170                   | Design filing fee      |          |
| 1003 530                   | 2003 265                   | Plant filing fee       |          |
| 1004 770                   | 2004 385                   | Reissue filing fee     |          |
| 1005 160                   | 2005 80                    | Provisional filing fee |          |

SUBTOTAL (1) (\$ 0)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Independent Claims | Multiple Dependent | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------------|--------------------|--------------|----------------|----------|
|              |                    |                    |              |                |          |
|              |                    |                    |              |                |          |
|              |                    |                    |              |                |          |

| Large Entity Fee Code (\$) | Small Entity Fee Code (\$) | Fee Description  |
|----------------------------|----------------------------|--|
| 1202 18                    | 2202 9                     | Claims in excess of 20                                     |
| 1201 86                    | 2201 43                    | Independent claims in excess of 3                          |
| 1203 290                   | 2203 145                   | Multiple dependent claim, if not paid                      |
| 1204 86                    | 2204 43                    | ** Reissue independent claims over original patent         |
| 1205 18                    | 2205 9                     | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 0)

\*or number previously paid, if greater; For Reissues, see above

## 3. ADDITIONAL FEES

| Large Entity | Small Entity | Fee Description  | Fee Paid |
|--------------|--------------|--|----------|
| 1051 130     | 2051 65      | Surcharge - late filing fee or oath  |          |
| 1052 50      | 2052 25      | Surcharge - late provisional filing fee or cover sheet                     |          |
| 1053 130     | 1053 130     | Non-English specification  |          |
| 1812 2,520   | 1812 2,520   | For filing a request for ex parte reexamination                            |          |
| 1804 920*    | 1804 920*    | Requesting publication of SIR prior to Examiner action                     |          |
| 1805 1,840*  | 1805 1,840*  | Requesting publication of SIR after Examiner action                        |          |
| 1251 110     | 2251 55      | Extension for reply within first month                                     |          |
| 1252 420     | 2252 210     | Extension for reply within second month                                    |          |
| 1253 950     | 2253 475     | Extension for reply within third month                                     |          |
| 1254 1,480   | 2254 740     | Extension for reply within fourth month                                    |          |
| 1255 2,010   | 2255 1,005   | Extension for reply within fifth month                                     |          |
| 1401 330     | 2401 165     | Notice of Appeal   |          |
| 1402 330     | 2402 165     | Filing a brief in support of an appeal                                     |          |
| 1403 290     | 2403 145     | Request for oral hearing   |          |
| 1451 1,510   | 1451 1,510   | Petition to institute a public use proceeding                              |          |
| 1452 110     | 2452 55      | Petition to revive - unavoidable   |          |
| 1453 1,330   | 2453 665     | Petition to revive - unintentional   |          |
| 1501 1,330   | 2501 665     | Utility issue fee (or reissue)   |          |
| 1502 480     | 2502 240     | Design issue fee   |          |
| 1503 640     | 2503 320     | Plant issue fee  |          |
| 1460 130     | 1460 130     | Petitions to the Commissioner  |          |
| 1807 50      | 1807 50      | Processing fee under 37 CFR 1.17(q)  |          |
| 1806 180     | 1806 180     | Submission of Information Disclosure Stmt                                  | 180      |
| 8021 40      | 8021 40      | Recording each patent assignment per property (times number of properties) |          |
| 1809 770     | 2809 385     | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 1810 770     | 2810 385     | For each additional invention to be examined (37 CFR 1.129(b))             |          |
| 1801 770     | 2801 385     | Request for Continued Examination (RCE)                                    |          |
| 1802 900     | 1802 900     | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 180.00)

## SUBMITTED BY

(Complete if applicable)

|                   |                         |                                   |        |           |              |
|-------------------|-------------------------|-----------------------------------|--------|-----------|--------------|
| Name (Print/Type) | Martin L. Faigus        | Registration No. (Attorney/Agent) | 24,364 | Telephone | 215-567-2010 |
| Signature         | <i>Martin L. Faigus</i> |                                   |        | Date      | 9/20/2004    |

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Customer No. 03000

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
PATENT EXAMINING OPERATION

Applicants: Bruce S. Marks

Serial No: 09/778,325

Group Art Unit: 1774

Filed: February 7, 2001

Examiner: Lawrence D. Ferguson

Att. Docket No.:A1019/20268

Confirmation No. 4861

For: METALLIZABLE WHITE OPAQUE FILMS, METALLIZED FILMS MADE  
THEREFROM AND LABELS MADE FROM THE METALLIZED FILMS

**INFORMATION DISCLOSURE STATEMENT**

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application and that the reference be made of record therein and appear among the "References Cited" on any patent to issue there from. No representation is made that the reference(s) is/are prior art with respect to this application.

Liu et al. U.S. Patent No. 4,931,327 discloses a white opaque oriented polypropylene film for a tamper-evident package including a core layer and at least one cavitated skin layer having an internal cohesiveness that is less than the internal cohesiveness and bonding strength of an adhesive layer applied to the cavitated skin. The disclosed adhesive can be either a heat-seal adhesive or a cold seal adhesive that can seal to itself; not a cold glue adhesive. The disclosed

cold-seal adhesives are usually rubber-based materials. (Column 3, line 66 – column 4, line 1).

Cold seal coatings, rather than heat seal coatings are generally employed to package products which would be damaged by the application of heat, such as ice cream, candy bars and confections. (Column 4, lines 1 – 3).

The cavitated-tamper evident skin upon which the cold-seal coatings can be applied is disclosed as including a cavity-inducing filler being present in amounts from about 1 - 20 weight percent of the skin layer prior to orientation, with about 10 - 15 weight percent being preferred.

Swan et al. U.S. Patent No. 4,965,123 discloses opaque oriented polymeric film structures including a thermoplastic polymer matrix core layer within which is located a strata of voids, and at least one thermoplastic polymer matrix skin layer adhered to a first surface of the core layer and also including a strata of voids therein. An opposed skin layer optionally can be free of voids.

One disclosed use of the polymeric film structures is as label stock. Swan specifically requires that the core layer of a multilayer film include a void-created additive in it. Specifically, in the paragraph beginning on line 8 of column 7, Swan et al. state that the void-initiating particles can be present in up to about 20% by weight of the core layer prior to orientation, with a preferred range being from about 2 to about 7% by weight.

Swan et al. further state that at least one of the skin layers should have voids created therein and specifically state that in label applications the function of the voided skin layer is to improve the cutability of the film (paragraph beginning on line 44, column 7).

Swan et al. state that the paper-like cutting characteristics have been found to be particularly beneficial in the production of co extruded pressure-sensitive label stock material having a peelable backing affixed to it.

Swan et al. state that the void-initiating particles employed in the skin layer can be present in an amount of up to about 70% by weight of the skin layer prior to orientation, with the preferred range being from about 5 to about 20% by weight (column 8, paragraph beginning on line 5). Swan et al. do not disclose any relationship between the desired percentage of void-initiating particles and the use of a cold glue adhesive of the type employed in the present invention. Stating this another way, the Swan et al. patent includes no suggestion of correlating the degree of voiding in the skin layer with the use of a aqueous cold glue adhesive.

Swan et al. only disclose the use of pressure-sensitive adhesives; not cold glue adhesives. Specifically, Swan et al. state, in column 9, the sentence beginning on line 23, that non-solvent pressure-sensitive adhesive materials are preferred to solvent-based pressure-sensitive adhesive materials. The acceptable materials described in the paragraph beginning on line 43 of column 9 are rubber-based pressure sensitive adhesives; not aqueous-based cold glue adhesives of the type employed in the present invention.

Courtaulds International Publication WO 89/02859 discloses a polymeric film including, in its broadest disclosure, a layer of propylene homopolymer, as a core layer, a layer of voided propylene on one side and a layer of a printable polymer on the other side.

The '859 publication states that the voiding agent in the voided polypropylene is in the range of 4 - 25%; more preferably 15 - 25%, and when chalk is employed to provide a good tamper-evident seal, the voided layer should include 20 - 25% voiding agent. The disclosed percentage of voiding agent is intended to create a weak interface between the propylene homopolymer and the voided polypropylene layer, such that evidence of tampering is shown by separation of the voided layer from the propylene homopolymer layer.

The Courtaulds '859 publication does not disclose any metallized film. It does not suggest any correlation between the amount of voiding agent and a cold glue adhesive. In fact, there is no suggestion of employing the polymeric film with a cold glue adhesive.

The Courtaulds '859 publication discloses the inclusion of a polymeric layer on a voided polypropylene layer to provide heat sealability. Suitable polymers for providing heat sealability are identified. The '859 publication discloses using heat seal or cold seal methods (page 7), but does not disclose the use of an aqueous, cold glue adhesive of the type employed in the present invention. Specifically, there is no mention of using cold-water based glues and correlating the use of such glues with the use of any percentage of voiding agents in the film layer to which any bonding layer is to be employed.

Canadian Patent No. 2,125,891 discloses a laminate film including a polypropylene layer, which either can act as a barrier coating receiving layer by including a hard resin in it, or alternatively, a separate barrier coating receiving layer with the hard resin coating in it can be provided on the original layer.

The Canadian '891 patent specifies that an additional layer can be applied on the other side of the multilayer structure, which can be, for example, "a conventional sealable, e.g., heat sealable; printable, or slip layer." The patent then discloses suitable heat sealing layers on page 12 of the specification.

The Canadian '891 patent does not disclose the use of any cold glue adhesive. Moreover, there is no disclosure of including a voiding agent in any adhesive retaining layer to accommodate any adhesive, let alone a cold glue adhesive.

Mitsui European Patent EP0779325 discloses a porous uniaxially or biaxially stretched film that is formed from a resin composition containing 25 - 70 parts by weight of a polyolefin

resin and 75 - 30 parts by weight of an inorganic filler. The film is described as having a softness and feel of cloth, with good moisture vapor transmission and good uniformity of film thickness. The function of the particular material disclosed in the Mitsui publication is to create a breathable substrate for use as a cloth substitute. There is no suggestion of applying a cold glue adhesive to any porous layer or of employing the product in applications requiring any such adhesive.

Courtaulds European Patent 0546741 discloses in-mold labels and articles having such labels applied to it. The label is described as having a non-voided core layer and a voided propylene homopolymer outer layer that attaches to the molded article. The patent does not disclose providing any voided layer for receiving a cold glue adhesive. The voided layer receives the thermoplastic polymer that is molded directly against the label.

The Courtaulds '741 patent states that the inorganic material can be chalk, and that the chalk content of the voided layer preferably is "up to 5% by weight of the layer." Courtaulds states that the amount of voiding agent usually should be at least 2.5% and can go up to 15% by weight of the layer, with preferred amounts of voiding agents being in the range of 5 - 10% by weight.

Thus, the '741 European patent does not relate to any label stock wherein a cold glue adhesive is used. In accordance with the invention described in the '741 patent attachment is directly to the molten polymer employed in the in-mold labeling operation. Moreover, the amount of voiding agent suggested for use in the layer closest to the molded polymer is in a range well below the acceptable range in the present invention.

Process Resources Corporation International Publication W0 99/19412 discloses techniques for labeling of plastic, glass or metal containers or surfaces with polymeric labels

employing a cold glue adhesive. In accordance with these methods, a hydrophilic, solid material is applied to the polymeric label, which either functions as the adhesive, or receives a cold glue adhesive on it. There is no disclosure of providing a voided layer for receiving a cold glue adhesive.

The ACS Symposium Series 440 article generally describes metallizing polypropylene after pretreatment in nitrogen.

Squire et al. U.S. Publication No. 2002/0146520 was filed on January 26, 2001. The claims which will be presented for consideration herein, in response to the outstanding Office Action of March 30, 2004, will all be entitled to the February 8, 2000 filing date of Provisional Application Serial No. 60/181,036. Thus, the Squire et al. '520 published application will not be an effective reference against the claims that will be presented for consideration in this application.

This Information Disclosure Statement is being filed after the period specified in 37 CFR §1.97(b), but before the mailing date of any of a final action under 37 §1.113, a Notice of Allowance under 37 CFR §1.311 or an action that otherwise closes prosecution in the application. Please debit Deposit Account No. 03-0075 in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) and/or debit or credit said Deposit Account as needed to ensure consideration of the disclosed information. A duplicate copy of this paper is attached. 37 CFR §1.97 (C) (2).

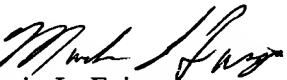
Respectfully submitted,

CAESAR, RIVISE, BERNSTEIN,  
COHEN & POKOTILOW, LTD.

9/20/04, 2004

Please charge or credit our  
Account No. 03-0075 as  
necessary to affect entry  
and/or ensure consideration  
of this submission.

By

  
Martin L. Faigus  
Registration No. 24,364  
Customer No. 03000  
(215) 567-2010  
Attorneys for Applicants

CERTIFICATE OF MAILING

I hereby certify that the foregoing INFORMATION DISCLOSURE STATEMENT and attached PTO Form 1449, re Application No. 09/778,325 are being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on Sept. 20, 2004.



Martin L. Faigus

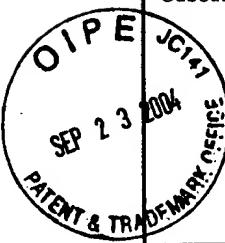
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PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**Substitute for Form 1449A/PTO**

## **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheet as necessary)

Sheet 1 of 1

**Complete if Known**

|                        |                |
|------------------------|----------------|
| Application Number     | 09/778,325     |
| Filing Date            | 02/07/01       |
| First Named Inventor   | Bruce S. Marks |
| Group Art Unit         | 1774           |
| Examiner Name          | L. Ferguson    |
| Attorney Docket Number | A1019/20268    |
| Customer #             | 03000          |
| Confirmation No.       | 4861           |

**U.S. PATENT DOCUMENTS**

## FOREIGN PATENT DOCUMENTS

| FOREIGN PATENT DOCUMENTS |          |                         |        |                      |   |  |   |
|--------------------------|----------|-------------------------|--------|----------------------|---|--|---|
| Examiner initials*       | Cite No. | Foreign Patent Document |        |                      | Name of Patentee or Applicant of Cited Document | Date of Publication of Cited Document MM-DD-YYYY | T |
|                          |          | Office                  | Number | Kind Code (If known) |   |  |   |
|                          |          | WO 89/02859             |        |                      | Courtaulds                                      | 04/06/1989                                       |   |
|                          |          | CA 2,125,891            |        |                      | Applied Extrusion Technologies, Inc.            | 12/16/1994                                       |   |
|                          |          | EP 0779325              |        |                      | Mitsui Chemicals                                | 06/18/1997                                       |   |
|                          |          | EP 0546741              | B      |                      | Courtaulds                                      | 08/13/1997                                       |   |
|                          |          | WO 99/19412             |        |                      | Process Resources Corporation                   | 04/22/1999                                       |   |
|                          |          | WO 02/059860            | A2     |                      | ExxonMobil                                      | 08/01/2002                                       |   |

## OTHER - NON PATENT LITERATURE DOCUMENTS

|                    |                  |   |   |
|--------------------|------------------|---|---|
| Examiner Initials* | C<br>i<br>t<br>e | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T |
|                    | N<br>o<br>.      | ACS Symposium Series, metallization of polymers, polypropylene and aluminum adhesion improvement by N2 low-pressure plasma treatment, American Chemical Society Chapter 31, pages 431 - 32, dated September 1989                    |   |
|                    |                  |   |   |
|                    |                  |   |   |
|                    |                  |   |   |
|                    |                  |   |   |
|                    |                  |   |   |

\*Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP § 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.